

A Review of Shopee's Pay Later Method of Payment in the Digital Economic Era from the Perspective of Islamic Law

Zulkarnaini Umar¹, Miftakhul Mukharrom²

{zulkarnainiumar67@gmail.com¹, miftahmukarrom23@gmail.com²}

Universitas Islam Riau

Abstract. In this digital economy era, there have been many technological advances that make human life easier, including online trading. As for the payment system, This can be done in various ways, including transferring a certain amount of money or funds according to the amount that must be paid non-cash via ATM or e-Banking, there are also those who make payments using the online credit system payment method. Among the market places that provide online credit services is Shopee. Shopee provides a service known as Shopee Paylater with provisions for a handling fee of 1%, interest of 2.95% and a late fee of 5%. In this reality, not all application users understand this provision well, so that quite a few experience inability to pay and even criminal acts occur. This research aims to answer and describe how Islamic law reviews the Shopee Paylater payment system. This research is normative legal or normative juridical research using a library research approach. This type of research is descriptive analytical with a statutory approach (statute approach) and a case approach (case approach). In this way, it can be concluded that the Shopee Paylater payment method has the benefit of making it easier for buyers to shop when they don't have money and helps both parties (sellers and buyers) because it is more effective and efficient. From the perspective of Islamic law, payment with Shopee Paylater is haram. Because there is a combination of a sale and purchase contract with a loan and borrowing contract, the interest charged also contains elements of usury, as well as the free shipping and cashback vouchers given are also haram because the benefits given are generated from the loan.

Keywords: Islamic Law, Shopee Paylater Payment System, Digital Economy

1 Introduction

Advances in technology and science and technology make it easier for humans to interact with each other. Wherever we are, we can communicate with each other without any obstacles, so technology makes it easier for long distances to stay in touch and get closer. In fact, technological advances make it easier to carry out transactions, which in relation here are buying and selling. Not with the intention of virtual fraud, but carried out to facilitate remote access by displaying visual images or with complete permits to gain trust from other parties that what they are doing is correct or in accordance with the facts on the ground.

This digital era, we now call it online buying and selling or online shop, namely buying and selling carried out by two parties using an internet connection so that sellers and buyers can see

The goods being exchanged in transactions, whether purchased or sold, are governed by the Consumer Protection Law (UUPK) No. 08 of 1999, which emphasizes the significance of buying and selling—whether done in person or online—in safeguarding consumer rights and preventing criminal activities. The law outlines that: (a) Article 1, Paragraph 2 defines consumers as individuals or entities recognized by law in relation to the availability of goods and services for trade, and (b) Article 1, Paragraph 1 ensures that consumer protection provides legal safeguards for both parties involved in a transaction.[1]

Technological advancements are inevitable for everyone, especially for Muslims, who form the majority religion in Indonesia. This situation calls for Muslims to take an active role in engaging with technology, both in utilizing it and understanding the legal aspects surrounding it. Every aspect of the universe is a reflection of Allah's greatness and should be used as a means of worshipping Him. Allah has instructed His followers to learn and reflect upon the things they come across. That is what Islam teaches through what Allah first revealed to the prophet Muhammad saw:

مَّا لَمْ يَعْلَمْ مَا لَمْ يَعْلَمْ أَقْرَأَ بِاسْمِ رَبِّكَ الَّذِي خَلَقَ خَلَقَ الْإِنْسَانَ مِنْ ع

It means:

Read in (mentioning) the name of your Lord Who created, He created man from a clot of blood. Read, and your Lord is the Most Gracious, Who teaches (humans) by means of kalam, He teaches humans what they do not know. (Qs. Al-'Alaq: 1-5)

Reading, in its broadest sense, refers to studying, researching, and exploring in order to discover answers or new knowledge that was previously unknown. Therefore, being attentive to the events in a Muslim's surroundings helps to shape them into a believer grounded in knowledge. In this vast realm of exploring and reflecting on Allah's verses, the concept of mu'amalah holds significant importance. It influences and determines both worldly success and the well-being in the afterlife. The most fundamental aspect of mu'amalah is related to transactions such as buying and selling.

In today's digital era, buying and selling no longer require physical meetings or cash transactions. Online shopping has become the primary method, with payment options available in various formats, such as bank transfers through ATMs or e-Banking, or through online credit systems. One such platform offering these services is Shopee, which features a service called Shopee Paylater. This service includes a 1% handling fee, a 2.95% interest rate, and a 5% late fee. However, many users of this service do not fully comprehend these conditions, which can lead to payment issues and even criminal activity. Therefore, this study aims to explore and explain how Islamic law views the Shopee Paylater payment system, offering readers a clearer understanding of the system from an Islamic legal standpoint.

2 Research Method

This research is a qualitative descriptive research. The purpose of this research is to interpret and explain data relating to the current situation, attitudes/views that occur in society, the conflict between two or more situations, the influence on a condition, etc. In this qualitative descriptive research, researchers use literature studies to look for information from books, magazines, newspapers, and other literature to form a theoretical basis.

This research is also to examine written sources such as scientific journals, reference books, literature, encyclopedias, scientific essays, scientific works, and other sources both written and written in digital format that are relevant and related to the object currently being studied. As for what is the object of study, this research is in the form of text or writing that explains and explains the Shopee Paylater payment system which is currently mushrooming in Indonesia. In simpler terms, this research is also normative legal or normative juridical research in the form of a library research approach. This type of research is descriptive analytical with a statutory approach (statute approach) and a case approach (case approach).

3 Result and Discussion

3.1 Overview of Buying and Selling

Mu'amalat refers to the exchange of goods, services, or anything that offers benefits in a prescribed manner. One of the key aspects of mu'amalat is buying and selling, which is a fundamental form of human economic activity and is highly encouraged in Islamic teachings. In fact, the Prophet Muhammad (SAW) himself mentioned that 9 out of 10 sources of livelihood come through trade (al-hadith). This signifies that through trade (buying and selling), opportunities for sustenance are opened, allowing God's blessings to flow. Buying and selling is, therefore, a permissible and recommended practice in Islam.[3]

Before delving into the details of buying and selling, it is important to first understand its meaning, so that readers can clearly grasp what buying and selling entails and what the author intends to convey. In the context of Islamic jurisprudence (fiqh), buying and selling is referred to as *al-bai'*, which means selling, exchanging, or trading one thing for another.

Meanwhile, according to the term, what is meant by buying and selling or business is:

1. Exchanging goods for goods or goods for money by relinquishing ownership rights from one to another on the basis of mutual consent.
2. According to Sheikh Muhammad ibn Qâsim al-Ghazzi: According to Sharia, the most appropriate meaning of buying and selling is to own something (money) by replacing something on the basis of Sharia permission, just to have the benefit that is permitted by Sharia forever, which must be done through payment. in the form of money.
3. According to Imam Taqiyuddin in the book *Kiffayatul alAkhyar* : Exchange of wealth, mutual acceptance, can be managed (tasharruf) with *ijab qobul*, in a way that is in accordance with sharia.
4. Sheikh Zakaria al Ansari in his book *Fath Al Wahab* : Exchanging other objects in a special way (permissible)
5. According to Sayyid Sabiq in his book *Fiqh Sunnah* : Exchanging objects for other objects by reciprocating or transferring ownership rights to a replacement in a permitted manner.[4]
6. There are some scholars who give meaning to buying and selling (business), including; Hanafiyah cleric "Buying and selling is the exchange of property for property (objects) based on a special (permissible) method agreed upon by Sharia." According to Imam Nawawi in *al-majmu'* says "Buying and selling is the exchange of property for property for ownership".

Exchanging goods for goods or goods for money by relinquishing property rights on the basis of mutual consent.

In the Qur'an Surah al-Baqarah: 275 Allah SWT says:

اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا فَمَنْ جَاءَهُ "Home الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ ذَلِكَ بِأَمْوَ عِطَّةٍ مِّن رَّبِّهِ فَأَنْتَهُمْ فَلَهُ مَا سَلَفَ وَأَمْرُهُ إِلَى اللَّهِ وَمَنْ عَادَ فَأُولَئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ

It means:

“People who eat (take) usury cannot stand but stand like those who have been possessed by the devil because of (the pressure of) insanity. Their situation is like that, because they say (opinion), actually buying and selling is the same as usury, even though Allah has permitted buying and selling and forbidden usury. Those who have received a prohibition from their Lord, and then continue to stop (from taking usury), will have for them what they have taken previously (before the prohibition came); and its affairs are (up to) Allah. Those who return (take usury), then those people are the inhabitants of hell; they will abide therein forever” (Qs. Al-Baqarah: 275)

This verse illustrates that in human life the main thing to fulfill as a physical need and survival is the matter of eating. To fulfill this, Islam regulates it in the form of the ability to transact in an Islamic manner and avoid fraud, one of the biggest of which is usury. This is different from the jahiliyyah people who in the verse say that they state that buying and selling is the same as usury, because the jahiliyyah people do everything they can to get the maximum profit.

From the argument above, it is evident that buying and selling is considered *jaiiz* (permissible). However, this does not mean that the status of buying and selling is always fixed; it can change depending on whether or not the terms and conditions of the transaction are met.

Rukun and Conditions for Buying and Selling in Islam can be understood to mean that rukun in language is what must be fulfilled for a job to be valid. Meanwhile, conditions are provisions (regulations, instructions) that must be heeded and carried out. In Muhammad Amin Suma's book it is explained: rukun (Arabic, rukn) is the plural of arkan , literally meaning, among other things, pillar, support and support, strength, big things, parts, elements and elements. Meanwhile, condition (Arabic, plural is syara ' ith) literally means sign, indication and confirmation.

According to the term, rukun is defined as something that forms (comes into existence) something other than its existence, considering that the existence of something is due to the rukun (its elements) itself, not because of its standing. If this is not the case, then the subject (doer) becomes an element for the work, and the body becomes a pillar for the nature, and what is characterized (al-maushuf) becomes an element for the nature (which characterizes). As for a condition, according to the terminology of the jurists as formulated by Muhammad Khudlari Bek, it is something whose absence necessitates (results in) the absence of the law itself. The wisdom of the absence of conditions also results in negating the wisdom of law or legal causes.

In sharia, harmony and conditions together determine whether a transaction is valid or not. By definition, rukun is an element that is an inseparable part of an act or institution that determines whether the act is valid or not and the presence or absence of something.

Jumhur 'ulama stated that there are four pillars of buying and selling, namely:

- a. There are people who make a contract or al-muta'qqadain (seller and buyer)

- b. There is sighat (consent & qabul)
- c. There is an item being contracted (object)
- d. There is an exchange rate for replacing goods.

According to Hanafiyah scholars, the person making the contract, the goods purchased, and the exchange value of the goods are included in the terms of sale and purchase, not the terms of sale and purchase.

3.2 Study of Shopee Pay

Changes and developments are an inevitable part of society, and this holds true for Indonesian society as well. One of the driving forces behind this transformation is the blending of culture with technology. The most influential technology today is the internet (interconnected network), and many proactive business people have recognized it as an opportunity to promote their products. According to data from the We Are Social and Hootsuite survey in January 2020, 93% of internet users in Indonesia between the ages of 16 and 64 reported searching for products or services online, visiting 90 online retail websites, and 88% made online purchases in the past month. Additionally, the COVID-19 pandemic has further accelerated the trend of online shopping.

Business competition has become very tight and marketing is the main key for a business to run well. This has caused many business people to do their marketing via the internet and generate sales, hence the emergence of ecommerce (electronic commerce). In Indonesia there are many companies that provide ecommerce platforms. Iprice insights explained 47 e-commerce rankings in Indonesia in the first quarter of 2020, where Shopee was ranked first as the most popular among Indonesian consumers. In the Google Play apps store, Shopee has been downloaded by more than 100 million users and given reviews by 5,412,933 users. Shopee has a review score of 4.7 out of a total of 5 stars. If we compare reviews with the second most favorite online shopping application, namely Tokopedia, then Shopee's rating is smaller. Tokopedia's review score is 4.8 out of a total of 5. However, only 3,233,182 users gave reviews on Tokopedia. Users feel the Tokopedia application is more satisfying so they give it a higher rating than users on the Shopee application. Even though there are fewer Tokopedia users, they feel more satisfied. However, according to the results of a survey conducted by Jakpat in the second semester of 2019 in Indonesia, consumers felt very satisfied when making transactions at Shopee with an average score reaching 4.30 out of 5. When compared with Tokopedia, the average satisfaction score only reached 4 .20, smaller than the gain owned by Shopee.[5]

Online buying and selling transactions themselves have several advantages and disadvantages. The advantage of online buying and selling is that neither sellers nor consumers need to meet face to face, sellers only need to send several pictures of their merchandise via various social media such as Facebook, WhatsApp, Instagram, Shopee and so on. , so consumers just have to look at it. Each gadget then buys it by paying by transferring money to the seller, or by using COD (Cash On Delivery), where the consumer gives money when the ordered item arrives at the consumer's house. However, buying and selling online is also quite risky, especially if the

consumer has to pay first without the consumer seeing the truth and quality of the goods to be purchased.

Recently a new payment method emerged, one of the online buying and selling applications, “Shopee”, which is commonly known as Shopee Paylater. Shopee Paylater is a payment method issued by Shopee where Shopee provides loans to consumers to process payment transactions for goods/products purchased by consumers, consumers will pay them every month before the due date, or what could be called the consumer’s investment in Shopee.

In Islam, doing business is a recommended activity. According to Al-Had , Rasulullah SAW stated that 9 out of 10 doors of sustenance are through trading. This means that it is through this way of trading that the doors of sustenance can be opened so that God’s grace radiates from it. According to QS. Al – Baqarah: 275 which in short means “... even though Allah has permitted buying and selling and forbidden usury...” This means that in this case buying and selling is permissible, provided that it is done correctly in accordance with the guidance of Islamic teachings. Of course, in this case what is meant is conventional (offline) buying and selling, where sellers and consumers both meet and also see directly the goods being bought and sold.

In essence, the process of online buying and selling through electronic platforms (e-commerce) or accounts receivable, such as the Shopee Paylater payment method, is similar to the conventional credit system. The main difference lies in the system and the medium used to access it. Shopee Paylater allows users to make online credit transactions using internet facilities, which offers a more efficient and effective way to complete purchases.

Shopee provides a service known as Shopee Paylater with the provisions of a handling fee of 1%, interest of 2.95% and a late fee of 5%. This is what has received serious attention in the study of Islamic law, because:

1. There is no certainty about the amount of the handling (admin) fee, because the percentage charged is based on the nominal debt given, meaning that the higher the price of the item, the higher the handling fee will be. With this uncertainty, it will be indicated as a transaction that contains *gharar*.
2. The presence of interest on loans and delays, this will certainly indicate a problem of usury. Islam strictly prohibits its followers from committing usury, whether the perpetrator, the mediator or other related parties.

This presentation serves as a reminder to Muslims, particularly in business, that contracts should be clear and free from *gharar* (uncertainty) and usury. The reality is that many individuals are deceived by the simplicity of the process, failing to consider the potential profits and losses, their ability to repay, and the actual value of the goods purchased on credit. As a result, many find themselves in debt and even resort to criminal acts to settle it.

Mu'amalah transactions in Islam receive serious attention because they will then become part of one's ownership, especially if they are consumed and will become flesh and blood in one's body. Allah Almighty says:

نُكْمٌ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا God willing يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ

"O you who believe, do not devour each other's wealth in a false way, except by means of business that is carried out mutually between you. And do not kill yourselves; Verily Allah is Most Merciful to you." (Qs. An-Nisa': 29)

4 Conclusion

From the explanation above, it can be concluded that the Shopee Paylater payment method has the benefit of making it easier for buyers to shop when they don't have money and helps both parties (sellers and buyers) because it is more effective and efficient. From the perspective of Islamic law, payment with Shopee Paylater is haram. Because there is a combination of a sale and purchase contract with a loan and borrowing contract, the interest charged also contains elements of usury, as well as the free shipping and cashback vouchers given are also haram because the benefits given are generated from the loan.

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